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Patricia Booker

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- International Application (RECORD COPY)
- Article 19 Amendments
- PCT/IPEA/409 IPER : EP JP SE AU
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- Annexes to 409
- PCT/ISA/237 : EP JP SE AU
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 PCT/IPEA/409 or PCT/ISA/237 was NOT AVAILABLE at the time of paralegal review

- PCT/IB/306
- Request form PCT/RO/101
- PCT/ISA/210 - Search Report : EP JP SE AU
 US FR CN ES RU AT KR _____ NONE
- Search Report References
- Priority Document (s) No. 3
 N/A
 Priority Document was NOT AVAILABLE at the time of paralegal review
- Other : _____

RECEIPTS FROM THE APPLICANT (other than checked above) :

- Basic National Fee (or authorization to charge) 187/6
- Description Claims Abstract
- Drawing Figure(s) - (# of drwgs. 24)
- Translation of Article 19 Amendments
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- Annexes to 409
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- Application Data Sheet
- Power of Attorney 12 Jan 2007
- Change of Address

- Preliminary Amendment(s) Filed on :
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- Information Disclosure Statement(s) Filed on :
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- Assignment Document (forwarded to Assignment Branch)
- Assignee Statement Under 37 CFR 3.73(b)
- Assignee PG Publication Notice
- Substitute Specification Filed on :
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- Verified Small Status Statement 17 May 2006
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NOTES : I.A. used as Specification Other : _____

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Date Acceptable Oath/ Declaration Received

Date of Completion of requirements under 35 U.S.C. 371

Date of Completion of DO/ EO 903 - Notification of Acceptance

Date of Completion of DO/ EO 905 - Notification of Missing Requirements

Date of Completion of DO/ EO 909 - Notification of Abandonment

Date of Completion of DO/ EO 916 - Notification of Defective Response

Date of Completion of DO/ EO 922 - Notification to Comply w/ Requirements for Patent Applications Containing Nucleotide and/or Amino Acid Sequence Disclosures

Date of Completion of DO/ EO 923

DISCUSSION

I. Petition Under 37 CFR 1.181

As discussed above, the decision mailed 04 August 2008 afforded applicant two months to file any request for reconsideration, as well as, an extendable period of up to five months pursuant to 37 CFR 1.136(a). Therefore, the abandonment of the application prior to 04 March 2009 was premature. The Form PCT/DO/EO/909 will be vacated and applicant's petition under 37 CFR 1.181 is granted.

II. Renewed Petition Under 37 CFR 1.47(a)

As detailed in the decision mailed 04 August 2008, a petition under 37 CFR 1.47(a) must be accompanied by (1) the fee under 37 CFR 1.17(g), (2) factual proof that the missing joint investor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the missing inventor, and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and on behalf of the non-signing joint inventor. Applicant previously satisfied items 1-3.

Applicant has presently provided a compliant, combined declaration and power of attorney executed by the remaining joint inventors on their own behalf and on behalf of Vincent Fedele. Therefore, applicant has satisfied item (4) and it is proper to grant applicant's renewed petition at this time.

CONCLUSION

For the reasons above, applicant's petition under 37 CFR 1.181 and renewed petition under 37 CFR 1.47(a) are **GRANTED**.

The Form PCT/DO/EO/909 mailed 12 November 2008 is hereby **VACATED**.

The application has an international filing date of 21 June 2004 under 35 U.S.C. 363, and will be given a date of **02 February 2009** under 35 U.S.C. 371 (c).

As provided in 37 CFR 1.47(c), a notice of the filing of this application will be forwarded to the non-signing inventor at his last known address of record.

A notice of the filing of the application under 37 CFR 1.47(a) will be published in the Official Gazette.